

ESTTA Tracking number: **ESTTA400303**

Filing date: **03/29/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053436
Party	Defendant Sara Lee/DE N.V.
Correspondence Address	SARA LEE/DE N.V. VLEUTENSEVAART 100 AD UTRECHT, NL-3532 NETHERLANDS trademarkswinston@wcsr.com, rspringer@wcsr.com, mferrario@wcsr.com, tsharpe@wcsr.com
Submission	Other Motions/Papers
Filer's Name	Randel S. Springer
Filer's e-mail	trademarkswinston@wcsr.com, rspringer@wcsr.com, mferrario@wcsr.com, tsharpe@wcsr.com
Signature	/Randy Springer/
Date	03/29/2011
Attachments	Consented Motion 436.pdf (7 pages)(161825 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

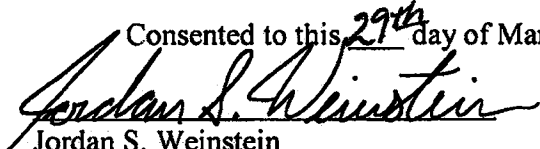
**In the Matter of Registration No.: 3,488,805
For the Mark: S & Design**

SAFEWAY INC.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92053436
)	
SARA LEE/DE N.V.,)	
)	
Respondent.)	

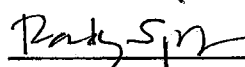
**CONSENTED MOTION TO DISMISS
CANCELLATION PROCEEDING WITHOUT PREJUDICE**

The parties have determined that this cancellation proceeding can be resolved by Respondent Sara Lee/DE N.V.'s ("Respondent") renunciation of International Registration No. 910,924's extension of protection to the United States. Attached as Exhibit A is a copy of Respondent's Request for the Recording of a Renunciation, which was filed with the International Bureau. Accordingly, the parties hereby request that the current proceeding be suspended until the International Bureau grants the Request for Renunciation; and upon such grant, that the Trademark Trial and Appeal Board dismiss this cancellation proceeding without prejudice without further action by the parties.

Consented to this 29th day of March, 2011.


Jordan S. Weinstein
Oblon, Spivak, McClelland, Maier &
Neustadt, L.L.P.
1940 Duke Street
Alexandria, Virginia 22314
Telephone: (703) 413-3000

Attorney for Petitioner


Randel S. Springer
Womble Carlyle Sandridge & Rice, PLLC
One West Fourth Street
Winston-Salem, North Carolina 27101
Telephone: (336) 721-3747

Attorney for Respondent

CERTIFICATE OF MAILING

I do hereby certify that on March 29th, 2011, I filed via electronic means (ESTTA) this CONSENTED MOTION TO DISMISS CANCELLATION PROCEEDING WITHOUT PREJUDICE with the:

U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

with a copy via email to:

Jordan S. Weinstein, Esq.
Oblon, Spivak, McClelland, Maier & Neustadt, L.L.P.
1940 Duke Street
Alexandria, Virginia 22314
jweinstein@oblon.com, tmdocket@oblon.com


Victoria Thomas Sharpe

EXHIBIT A

Ferrario, Melissa

From: Ferrario, Melissa
Sent: Tuesday, March 29, 2011 10:53 AM
To: 'integ.mail@wipo.int'
Subject: Sara Lee/DE N.V.'s Request for the Recording of a Renunciation
Attachments: Request for the Recording of a Renunciation.pdf

Please find attached Sara Lee/DE N.V.'s Request for the Recording of a Renunciation.

Melissa G. Ferrario, Esq.
Womble Carlyle Sandridge & Rice, PLLC
One West Fourth Street
Winston-Salem, North Carolina 27101
336-747-6696 (phone)
336-726-6998 (fax)

REQUEST FOR THE RECORDING OF A RENUNCIATION

<p style="text-align: center;"><u>For use by the holder</u></p> <p>This request contains the following number of continuation sheets: <u>N/A</u></p>	<p style="text-align: center;"><u>For use by the holder/Office</u></p> <p>Holder's reference:</p> <p>Office's reference:</p>
--	--

1 INTERNATIONAL REGISTRATION NUMBER(S)

910923

910924

2 NAME OF THE HOLDER
(as recorded in the International Register)

Sara Lee/DE N.V.

3 APPOINTMENT OF A REPRESENTATIVE
(do not complete this item if there is no change in the representative already recorded in the International Register)

Name:

Address:

.....

Telephone:

Fax: E-mail address:

SIGNATURE OF THE HOLDER APPOINTING THE ABOVE REPRESENTATIVE

.....

4 CONTRACTING PARTIES

The renunciation concerns the following designated Contracting Parties:

United States

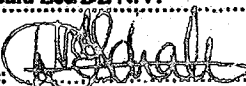
.....

.....

.....

.....

5 SIGNATURE BY THE HOLDER OR HIS REPRESENTATIVE:

<p><u>Holder</u> (as recorded in the International Register)</p> <p>Name: <u>Sara Lee/DE N.V.</u></p> <p>Signature: </p>	<p><u>Representative of the holder</u> (as recorded in the International Register)</p> <p>Name: <u>Dieuwarke van der Schalk</u></p> <p>Attorney under Power</p> <p>Fondé de Pouvoir</p> <p>Signature:</p>
---	---

6

OFFICE PRESENTING THE REQUEST
(If applicable)Name of the Office
.....Signature and/or stamp of the Office
.....

Ferrario, Melissa

From: Microsoft Outlook
To: 'integ.mail@wipo.int'
Sent: Tuesday, March 29, 2011 10:53 AM
Subject: Relayed: Sara Lee/DE N.V.'s Request for the Recording of a Renunciation

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

'integ.mail@wipo.int' (integ.mail@wipo.int) <mailto:integ.mail@wipo.int>

Subject: Sara Lee/DE N.V.'s Request for the Recording of a Renunciation